

December 11, 2002

The Honorable Nita M. Lowey
United States House of Representatives
Washington, D.C. 20515

Dear Congresswoman Lowey:

I am responding on behalf of the U. S. Nuclear Regulatory Commission (NRC) to your letter of September 19, 2002, concerning a report by the Project on Government Oversight (POGO) on the training and qualification of security personnel at nuclear facilities. In your letter, you expressed concerns about the adequacy of training and requested the NRC's immediate attention to the issue.

The security forces at nuclear facilities are trained, equipped, and qualified according to the requirements in Title 10, Code of Federal Regulations, Part 73, as further described in Appendix B to Part 73. These requirements set standards for guard qualification that ensure NRC-licensed nuclear facilities are protected by some of the most experienced and best trained guard forces in any commercial industry. In addition, as I have noted in testimony before Congress and in specific correspondence with members of Congress, we believe that the private sector guard forces at the Nation's nuclear power plants are relatively well compensated.

The NRC has reviewed the details of the POGO report and, while we note that the sample size was too small to yield reliable data, the report sets out opinions of several guards that should be carefully considered. We are appropriately taking these views into account. On the specific issue of overtime hours and fatigue, I must note that licensees are required by existing regulations to monitor security guards for fitness for duty, including factors such as mental stress, fatigue and illness. In a rulemaking currently under consideration by the Commission, more prescriptive standards may be set for nuclear employees, specifically including armed responders, to ensure that fatigue does not affect their ability to perform their duties. We are also considering additional measures to address fatigue concerns.

The NRC has issued over 30 advisories since September 11, 2001, concerning enhancements to security at the sites, including the training of security guards on new response strategies. The licensees voluntarily implemented enhancements in response to these advisories and their own assessments. On February 25, 2002, the NRC issued Orders to nuclear power reactor licensees formalizing many of these enhancements. In addition, in August 2002, the NRC created a Threat Advisory and Protective Measures System to conform to the Office of Homeland Security's Threat Advisory System and to provide a means of communicating rapidly with NRC licensees when threat conditions warrant changes in security posture. The NRC continues to consider additional actions that may be warranted, including actions to enhance training requirements.

You also noted concerns about the security program at the Indian Point Nuclear Power Plant. Immediately after the attacks of September 11, 2001, the NRC advised all nuclear power plants to go to the highest level of security, which they promptly did. Entergy, the licensee for Indian Point, as well as all other power reactor licensees, took steps in accordance with the advisories and Orders described in the preceding paragraph to implement security enhancements. Entergy is in full compliance with the Order and enhanced security measures are in place at Indian Point. In addition, NRC staff worked closely with the New York State Office of Public Security as it conducted a review of security at the Indian Point facility. Many of the recommendations for enhancements either parallel the actions already taken as the result of the February 25 Orders or are currently under review.

You inquired about a report of a missing weapon at Indian Point. The NRC is aware that such a report was made and investigations by the licensee and outside law enforcement are ongoing. The missing weapon had been in a storage location outside of the plant protected area and, although not yet recovered, there is no indication that the missing weapon is a threat to plant security.

You also expressed concern regarding water access to the Indian Point facility. The security measures required by the February 25 Orders include improvements in the ability to detect, deter, and respond to a waterborne attack. These measures include, but are not limited to, maritime security zones with markers or buoys to deter unauthorized approach with enforcement mechanisms and enhanced assessment aids. The NRC is not aware of any attempts to enter the plant Protected Area by water. Unauthorized personnel who have approached the plant by water have been identified, and appropriate actions, up to and including arrest, have been taken.

Your letter also stated that we must continue to work to ensure the highest level of protection at our nuclear facilities. The NRC has worked diligently before and after the September 11 terrorist attacks to ensure that its licensed facilities are adequately protected against attempts at radiological sabotage and theft of nuclear material. The steps described above have enhanced security at NRC-licensed facilities. We believe these enhancements and the NRC's continuing oversight serve to provide assurance of the continued safe operation of the commercial nuclear facilities in the current threat environment.

Thank you for your interest in these matters. If you have any additional questions, I would be happy to discuss them with you.

Sincerely,

/RA/

Richard A. Meserve